

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BRYANT JUNCO,

Plaintiff,

v.

Case No. 24-CV-207

CITY OF MILWAUKEE, et al.,

Defendants.

REPORT AND RECOMMENDATION FOR DISMISSAL OF COMPLAINT¹

Bryant Junco sues the City of Milwaukee, Officer Ronald Edwards, and the Milwaukee Police Department (“MPD”) under 42 U.S.C. § 1983. (Docket # 1.) Junco’s complaint stems from an incident occurring on August 27, 2023 on the Summerfest grounds in the City of Milwaukee. (*Id.*) Junco alleges that his constitutional rights were violated when he was detained with handcuffs on suspicion of resale of tickets and trespassing. (*Id.*) Junco also filed a motion for leave to proceed without prepayment of the filing fee (*in forma pauperis*). (Docket # 2.) In an Order dated February 20, 2024, I concluded that Junco was not indigent for purposes of the federal *in forma pauperis* statute and denied his motion. (Docket # 4.) Junco was ordered to pay the filing fee by March 5, 2024. (*Id.*) Junco was warned that failure to timely pay the filing fee would result in a recommendation that this action be dismissed. (*Id.*)

¹ Because the defendants have not yet appeared and had an opportunity to consent or refuse magistrate judge jurisdiction, I issue a report and recommendation regarding dismissal of Junco’s complaint. See *Coleman v. Labor and Industry Review Commission*, 860 F.3d 461(7th Cir. 2017).

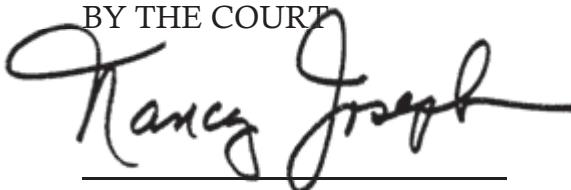
To date, Junco has failed to pay the filing fee required to commence this action. Thus, it appears that Junco does not intend to continue prosecuting this case. *See* Civil L. R. 41(c) (E.D. Wis.). For this reason, I recommend Junco's complaint be dismissed without prejudice.

NOW, THEREFORE, IT IS RECOMMENDED that Junco's complaint be dismissed without prejudice.

Your attention is directed to General L.R. 72(c), 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Criminal Procedure 59(b), or Federal Rules of Civil Procedure 72(b) if applicable, whereby written objections to any recommendation or order herein, or part thereof, may be filed within fourteen days of the date of service of this recommendation or order. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Courtesy paper copies of any objections shall be sent directly to the chambers of the district judge assigned to the case. Failure to file a timely objection with the district court shall result in a waiver of a party's right to appeal. If no response or reply will be filed, please notify the Court in writing.

Dated at Milwaukee, Wisconsin this 14th day of March, 2024.

BY THE COURT



NANCY JOSEPH
United States Magistrate Judge